IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 36240 of 2007(L)

PETITIONERS:
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1. **SONY GEORGE, S/O GEORGE,**
   CHIRAYATH HOUSE, KIZHAKKE ANGADI,
   THRISSUR VILLAGE, THRISSUR DISTRICT.

2. **BIJINI JOHNSON, W/O JOHNSON,**
   MURINGATHERI, NELLIKUNNU DESOM,
   NADATHARA VILLAGE, THRISSUR DISTRICT.

BY ADV. SRI.JIJO PAUL.

RESPONDENT:

CLASSIS FINANCES & KURIES(P)LTD.,
THRISSUR.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/12/2007,ALONG WITH W.P.(C). NOS. 36255/2007 & 36256/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) Nos.36240, 36255 & 36256 OF 2007

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Dated this the 7th day of December 2007

JUDGMENT

These petitions are preferred with a prayer to issue a writ of mandamus directing the Prl.Munsiff, Thrissur to issue certified copy of the orders in E.A.No.7/2006 in E.P.No.143/2004 in O.S.No.2780 of 2000, in E.A.No.212/2006 in E.P.No.142/2004 in O.S.No.2738/2000 and in E.A.No.5/2006 in E.P.No.141/2004 in O.S.No.2730/2000 and to give a further direction to the said Munsiff from taking any action for attachment/ seizure of the movables of the petitioners. Since an application under Order 21 Rule 58 is entertained it presupposes that there must be an attachment. The present petitioners are claiming right over the movables on the ground that they are running the bakery after taking it on a lease arrangement from the defendant in the suit. Therefore there is considerable force in the contention that certified copies are to be issued at the earliest. So, a direction is given to the Prl.Munsiff, Thrissur to issue certified copy of the orders at least before the court closes for X'mas holidays.

2.The next question to be considered is whether any further interim

arrangement has to be made in the meanwhile. If the property had already been attached, then the court below is directed not to proceed with the sale of the property and in case it is not attached and brought to the court let it be released on kai chit to the present petitioners so that they can continue the business. Petitioners herein also shall file an undertaking affidavit to the effect that they will not transfer or remove or dispose of the movables, i.e. furniture from the property. This arrangement shall be done for a period of 8 weeks so that the petitioners can seek their appellate remedy and to get an interim order from the appropriate forum.

Writ petitions are disposed of accordingly.

M.N.KRISHNAN, JUDGE

Cdp/-